

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

HOUTEX BUILDERS, LLC *et al.*,¹

DEBTORS.

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Case No. 18-34658

Chapter 11

Jointly Administered

DEBTORS' WITNESS AND EXHIBIT LIST

Judge:	Hon. Jeffrey P. Norman
Hearing Date:	Thursday, May 28, 2020
Hearing Time:	9:30 a.m. (CT)
Parties' Names:	HouTex Builders, LLC; 2203 Looscan Lane, LLC; and 415 Shadywood, LLC
Attorneys' Names:	Charles M. Rubio; Brian R. Hogue
Attorneys' Telephone:	(713) 333-5100
Nature of Proceeding:	<p>Hearing on:</p> <ul style="list-style-type: none"> <i>Debtors' Omnibus Objection To CD Homes's Proofs of Claims</i> [ECF 324] [Relating to Claim Nos. 12, 13 and 16 in Case No. 18-34658; Claim Nos. 4, 5, 6 and 7 in Case No. 18-34659, and Claim Nos. 3 and 4 in Case No. 18-34660]; preliminary hearing to determine the contractual relationships between the litigants, as set forth in the Court's March 24, 2020 scheduling order, as amended; and <i>Motion To Enforce Sanctions Order & For Additional Sanctions</i> [482].

Diamond McCarthy LLP ("Diamond McCarthy"), counsel to HouTex Builders, LLC; 2203 Looscan Lane, LLC; and 415 Shadywood, LLC (collectively, the "Debtors"), hereby submits this Witness and Exhibit List in connection with the hearing to be held on Thursday, May 28, 2020, at 9:30 a.m. (Central Time) (the "Hearing") on the *Debtors' Omnibus Objection To CD Homes's Proofs of Claims* [ECF

¹ The names of the Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Houtex Builders, LLC (2111); 2203 Looscan Lane, LLC (1418); and 415 Shadywood, LLC (7627).

324] [Relating to Claim Nos. 12, 13 and 16 in Case No. 18-34658; Claim Nos. 4, 5, 6 and 7 in Case No. 18-34659, and Claim Nos. 3 and 4 in Case No. 18-34660]; preliminary hearing to determine the contractual relationships between the litigants, as set forth in the Court's March 24, 2020 scheduling order, as amended; and *Motion To Enforce Sanctions Order & For Additional Sanctions* [482].

WITNESSES

Diamond McCarthy may call any of the following witnesses at the Hearing, whether in person or by proffer:

1. Charles Foster
2. Robert Parker
3. Anna Williams
4. Any witness called by another party.

EXHIBITS

Diamond McCarthy may offer for admission into evidence any of the following exhibits at the Hearing:

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
1.	Contractor Agreement, Investor Agreement, and Option Agreement between CD Homes, LLC and 2203 Looscan Lane, LLC dated August 29, 2014				
2.	Contractor Agreement, Investor Agreement, and Option Agreement between CD Homes, LLC and 415 Shadywood LLC dated October 24, 2014				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
3.	Contractor Agreement and Investor Agreement between CD Homes, LLC and HouTex Builders, LLC dated July 2, 2014 (3 Thornblade)				
4.	Contractor Agreement, Investor Agreement, and Option Agreement between CD Homes, LLC and HouTex Builders, LLC dated May 16, 2013 (5325 Lynbrook)				
5.	Proof of Claim No. 6 filed by Great Southwestern Financial Corp. in Case No. 18-34658 against HouTex Builders, LLC				
6.	Proof of Claim No. 15 filed by Spirit of Texas Bank in Case No. 18-34658 against HouTex Builders, LLC				
7.	Sources and Uses of Funds				
8.	Transcript of March 20, 2019 Deposition of Bob Parker with exhibits				
9.	Transcript of May 14, 2019 Deposition of Bob Parker with exhibits				
10.	Transcript of June 14, 2019 Deposition of Bob Parker with exhibits				
11.	Transcript of February 1, 2019 Deposition of Jim Nored with exhibits				
12.	Transcript of September 26, 2018 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
13.	Transcript of November 19, 2018 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
14.	Transcript of December 5, 2018 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
15.	Transcript of December 10, 2018 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
16.	Transcript of December 17, 2018 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
17.	Transcript of March 25, 2019 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
18.	Transcript of March 27, 2019 Hearing in Case No. 18-34658, <i>In re HouTex Builders, LLC, et al.</i>				
19.	Looscan Closing Statement				
20.	Shadywood Closing Statement				
21.	Thronblade Closing Statement				
22.	Analysis of West Alabama Sale				
23.	Trustmark Bank Register September 25, 2012 through June 30, 2013				
24.	Trustmark Bank Register July 1, 2013 through August 23, 2018				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
25.	CommunityBank of Texas Register September 25, 2012 through June 30, 2014				
26.	CommunityBank of Texas Register July 1, 2014 through December 31, 2014				
27.	CommunityBank of Texas Register January 1, 2015 through June 30, 2015				
28.	CommunityBank of Texas Register July 1, 2015 through December 31, 2015				
29.	CommunityBank of Texas Register January 1, 2016 through June 30, 2016				
30.	CommunityBank of Texas Register July1, 2016 through December 31, 2016				
31.	CommunityBank of Texas Register January 1, 2017 through June 30, 2017				
32.	CommunityBank of Texas Register July 1, 2017 through December 31, 2017				
33.	CommunityBank of Texas Register January 1, 2018 through August 23, 2018				
34.	Order Granting Motion to Compel [ECF No. 246]				
35.	Order Granting Sanction Against Robert Parker [ECF No. 314]				
36.	Great Southwest – Deed of Trust 3 Thornblade \$126k				
37.	3 Thornblade – Deed of Trust \$223k				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
38.	Nored Lien – Deed of Trust 3 Thornblade \$224k				
39.	Nored Lien – Deed of Trust 3 Thornblade \$118k				
40.	Hmaidan & Hmaidan Second Deed of Trust				
41.	Pensco Trust – 415 Shadwood May 10, 2018				
42.	Cedar Creek Deed of Trust				
43.	Nored – Deed of Trust Lynbrook \$339k				
44.	Nored – Deed of Trust Lynbrook \$90k				
45.	Summary of Members Draw for Trustmark Bank and Community Bank of Texas				
46.	Service on Anna Williams				
47.	Service on Jim Nored				
48.	Service on Robert Parker				
49.	Request for Production to Robert Parker				
50.	Premarital Agreement of Robert Parker and Anna Williams				
51.	Anna Williams Declaration				
52.	Robert Parker Declaration				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
53.	Anna Williams's and CD Homes, LLC's Response to NMRO Holdings LLC's Motion to Reconsider or for New Trial				
54.	Exhibit A - Affidavit of John H. McFarland to Motion to Reconsider				
55.	Exhibit B - Declaration of Anna Williams to Motion to Reconsider				
56.	Transcript of December 10, 2015 Deposition of Anna Williams				
57.	Errata Sheet to Deposition of Anna Williams December 10, 2015				
58.	Proof of Claim No. 9 filed by Anna Williams in Case No. 18-34658 against HouTex Builders, LLC				
59.	Proof of Claim No. 10 filed by 1040 Hyde Park LLC in Case No. 18-34658 against HouTex Builders, LLC				
60.	Proof of Claim No. 11 filed by 1040 Hyde Park LLC in Case No. 18-34658 against HouTex Builders, LLC				
61.	Proof of Claim No. 12 filed by CD Homes, LLC in Case No. 18-34658 against HouTex Builders, LLC				
62.	Proof of Claim No. 13 filed by CD Homes, LLC in Case No. 18-34658 against HouTex Builders, LLC				
63.	Proof of Claim No. 16 filed by CD Homes, LLC in Case No. 18-34658 against HouTex Builders, LLC				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
64.	Proof of Claim No. 3 filed by Anna Williams in Case No. 18-34659 against 415 Shadywood, LLC				
65.	Proof of Claim No. 4 filed by CD Homes, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
66.	Proof of Claim No. 5 filed by CD Homes, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
67.	Proof of Claim No. 6 filed by CD Homes, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
68.	Proof of Claim No. 7 filed by CD Homes, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
69.	Proof of Claim No. 8 filed by 1040 Hyde Park, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
70.	Proof of Claim No. 9 filed by 1040 Hyde Park, LLC in Case No. 18-34659 against 415 Shadywood, LLC				
71.	Proof of Claim No. 3 filed by CD Homes, LLC in Case No. 18-34660 against 2203 Looscan Lane, LLC				
72.	Proof of Claim No. 4 filed by CD Homes, LLC in Case No. 18-34660 against 2203 Looscan Lane, LLC				
73.	Proof of Claim No.5 filed by Anna Williams in Case No. 18-34660 against 2203 Looscan Lane, LLC				

Ex.	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
74.	March 16, 2017 Second Deed of Trust between Houtex Builders, LLC and Hmaidan & Hmaidan LLC				
75.	Transcript of March 28, 2019 Hearing in Case No. 18-34658, In re HouTex Builders, LLC, et al.				
76.	Transcript of July 16, 2020 Hearing in Case No. 19-32825, <i>In re HL Builders, LLC</i> .				
77.	Transcript of August 15, 2020 Hearing in Case No. 19-32825, <i>In re HL Builders, LLC</i> .				
78.	Transcript of August 20, 2020 Hearing in Case No. 19-32825, <i>In re HL Builders, LLC</i> .				
79.	Houtex – Spirit of Texas Bank Documents [HOUTEX00001-HOUTEX00394]				
80.	Project Recap 3054 Locke Lane				
81.	Parker Response to HouTex RFP – May 22, 2020				
82.	Parker Responsive Documents – May 22, 2020				
83.	Parker Supplemental Responsive Documents				
84.	Project Recap Ella Lee				
85.	Crab Orchard Documents				

Diamond McCarthy reserves the right to supplement, amend or delete any witness and exhibit prior to the hearing. Diamond McCarthy also reserves the right to use any exhibit presented by any other party and to ask the Court to take judicial notice of any document. Finally, Diamond McCarthy reserves the right to introduce exhibits previously admitted.

Dated: May 26, 2020

Respectfully submitted,

DIAMOND McCARTHY LLP

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